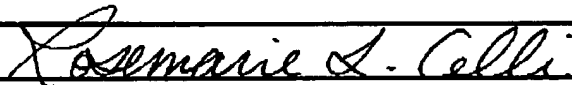


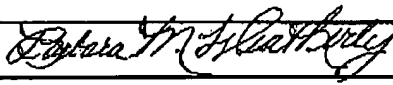
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PTO/SB/21 (09-04)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/322,289	
	Filing Date	May 28, 1999	
	First Named Inventor	Schenk, Dale B.	
	Art Unit	1647	
	Examiner Name	Sharon L. Turner	
Total Number of Pages in This Submission	4	Attorney Docket Number	15270J-004740US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request + copy for fee processing (2 pages) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Amended Appeal Brief (3 pages) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account No.: 19-4880		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	SUGHRUE MION PLLC		
Signature			
Printed name	Rosemarie L. Celli		
Date	August 18, 2006	Reg. No.	42,397

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to Facsimile No. 571-273-8300, Mail Stop Appeal Brief — Patents, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Barbara M. Weatherly	Date	August 18, 2006

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Attorney Docket No.: 15270J-004740US
Client Ref. No. 209-US-CIP5

SUGHRUE MION, PLLC

By: Barbara M. Weatherly
Barbara M. Weatherly

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

DALE B. SCHENK

Application No.: 09/322,289

Filed: May 28, 1999

For: PREVENTION AND TREATMENT OF
AMYLOIDOGENIC DISEASE

Confirmation No. 7773

Examiner: Sharon L. Turner

Art Unit: 1649

**AMENDED APPEAL BRIEF
UNDER 37 C.F.R. § 41.37(c)(1)(v)**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. § 41.37 (c)(1)(v). Please replace the Summary of Claimed Subject Matter Section with the following replacement section and enter the following remarks.

Application No. 09/322,289
Amended Brief dated August 18, 2006
Page 2

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Please replace the Summary of Claimed Subject Matter Section with the following replacement section.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method of treating a disease characterized by an amyloid deposit comprising A β peptide (specification at p. 10, lines 8-10). The method entails administering to a patient having the disease an antibody that specifically binds to A β peptide, in a regime effective to treat the disease (specification at p. 14, lines 14-16 and Example XI at p. 70 *et seq.*). The antibody is a chimeric or humanized antibody, or a human monoclonal antibody and the antibody is of isotype human IgG1 (specification at p. 21, lines 15-20).

Independent claim 82 is directed to a method of prophylaxis of a disease characterized by an amyloid deposit comprising A β peptide (specification at paragraph bridging pp. 26-27). The method entails administering to a patient an antibody defined in the same manner as claim 1 in a regime effective to effect prophylaxis of the disease (specification at p. 14, lines 14-16 and Example XI at p. 70 *et seq.*). The antibody is a chimeric or humanized antibody, or a human monoclonal antibody and the antibody is of isotype human IgG1 (specification at p. 21, lines 15-20).

Dependent claims 22, 23, 95 and 96 specify dosages of wherein least 1 mg/kg and 10 mg/kg body weight are administered.

Dependent claims 31 and 98 specify an antibody that binds to A β without binding to amyloid precursor protein.

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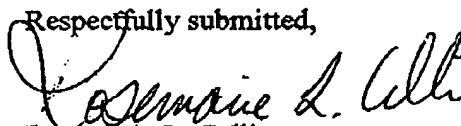
REMARKS

The replacement Summary of Claimed Subject Matter section provides a separate summary of the two independent claims, *i.e.*, claims 1 and 82. The subject matter of claims 1 and 82 is concisely explained, including reference to the specification by page and line number.

It is respectfully submitted that Appellant has provided a Summary of Claimed Subject Matter section as required under 37 C.F.R. § 41.37 (c)(1)(v).

Dated: August 18, 2006

Respectfully submitted,



Rosemarie L. Celli
Reg. No. 42,397

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